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Typed or Printed Name of Person Mailing Paper or Fee: Sharlene Jacoban

Signature: Sharlene Jacoban

PATENT  
Docket No. P1230

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPELLANT: NOEL LEE

SERIAL NO.: 09/735,697

EXAMINER: DEBERADINIS, ROBERT

FILED: DECEMBER 12, 2000

ART UNIT: 2836

FOR: APPARATUS AND METHOD FOR POWERING MULTIPLE  
PERIPHERAL DEVICES FROM A COLOR-CODED CENTRAL POWER  
SOURCE

DIRECTOR OF THE PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

TRANSMITTAL LETTER

Dear Sir:

In connection with the above-referenced patent application, transmitted herewith are the following:

1. Original Petition to Act on Application (9 pages); and
2. Post card in acknowledgment of receipt of all transmitted materials.

Please date-stamp the enclosed post card and return to the undersigned in acknowledgment of receipt of all transmitted materials.

Respectfully Submitted,

David F. Lee  
Reg. No. 60,474

DFL/msb/rm  
Submitted: June 4, 2008  
LARIVIERE, GRUBMAN & PAYNE, LLP  
Post Office Box 3140  
Monterey, CA 93942  
(831) 649-8800



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Typed or Printed Name of Person Mailing Paper or Fee: Sharlene Jacoban

Signature: Sharlene Jacoban



**PATENT**  
**Docket No. P1230**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: NOEL LEE

SERIAL NO.: 09/735,697

EXAMINER: DEBERADINIS, ROBERT

FILED: DECEMBER 1, 2000

ART UNIT: 2836

TITLE: APPARATUS AND METHOD FOR POWERING MULTIPLE  
PERIPHERAL DEVICES FROM A COLOR-CODED CENTRAL  
POWER SOURCE

**DIRECTOR OF THE PATENT AND TRADEMARK OFFICE**  
**P.O. BOX 1450**  
**ALEXANDRIA, VA 22313-1450**

**PETITION TO ACT ON APPLICATION**

**A. INTRODUCTION**

Applicant submits this Petition under 37 C.F.R. § 1.181 to invoke the supervisory authority of the Director of the USPTO because no substantive action has been taken with respect to his application 09/735,697 in the last eighteen months. It appears that the application has been misplaced, mishandled, or otherwise neglected. Petitioner petitions the Director to intervene in this matter and to put his application back on course for appeal or continued prosecution. Petitioner makes this Petition directly to the Director, based on 37 C.F.R. § 1.181; however, as the BPAI may be in the best position to act on the Petition, Petitioner is also sending a copy to the Board.

Prior to cessation of communication from the PTO, Petitioner's application was just entering the appeal process. On November 27, 2006, the Examiner noted receipt of Applicant's Reply Brief and Request for Oral Hearing and indicated that: "The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal." Ex. A at 2. According to the MPEP, the Appeal Board should have either docketed Applicant's appeal or remanded the application to the examiner for formal reasons within approximately one month of receiving the file from the Examiner. MPEP 1203. Thus, the lack of docketing by the BPIA may be the reason for the unusual delay experienced by applicant.

## **B. BACKGROUND AND FACTS**

Petitioner's application was filed on December 12, 2000 and is a continuation of Application No. 09/221,761, filed 12/28/98, which claims priority from Provisional Application No. 60/070,317, filed 01/02/98. Thus, in one form or another, Petitioner's application has been before the PTO for over 10 years. The specific application that is the subject of this Petition, 09/735,697, has been pending for over seven years. As is clear from the PAIR transaction history, attached as Ex. B, prosecution of the '697 application has been long and complex. While such complexity can result naturally from the ebb and flow of prosecution, Petitioner is concerned that his case has ground to a halt and that no further progress will be made without the exercise of the Director's supervisory authority.

The most recent entry in the PAIR "Transaction History" for Petitioner's application is March 6, 2008 and states "Appeal Awaiting BPIA Docketing." This entry was made after Petitioner contacted Mr. Shaw of the Board of Appeals to enquire about status of the application. Petitioner also filed a status inquiry on April 17, 2008. No response to this inquiry has yet been received.

As indicated above, on November 27, 2006, the Examiner sent a letter acknowledging Petitioner's Reply Brief and indicating that the file had been transferred to the Board of Appeals. Then, on May 15, 2007, applicant submitted a Petition to Reopen Prosecution in light of the Supreme Court's decision in *KSR v. Teleflex*, 550 U.S. \_\_\_, 127 S. Ct. 1727 (2007). This Petition was not entered onto the PALM database and did not appear on the PAIR transaction history (though it did appear on the image file wrapper). Therefore, on August 23, 2007, Petitioner refiled his Petition to Reopen Prosecution, and it was duly entered onto PAIR. However, to date no action has been taken with regard to either the Petition to Reopen Prosecution or the appeal generally.

### **C. REQUEST FOR RELIEF**

With this Petition, Petitioner hopes to enlist the supervisory authority of the Director to have his appeal docketed and his prior petition decided, so that he may move forward with either appeal or prosecution. Petitioner hopes to obtain a decision on the merits, whether from the Appeal Board or the Examiner, as soon as practicable. Even without the additional delay caused by the apparent mishandling of Petitioner's application, any patent that issues from the application will likely be entitled to a significant patent term extension. It is in the best interest of the PTO and the Applicant to have his application considered expeditiously.

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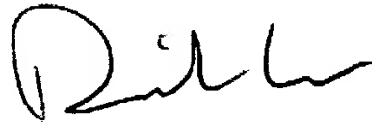
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#### **D. CONCLUSION**

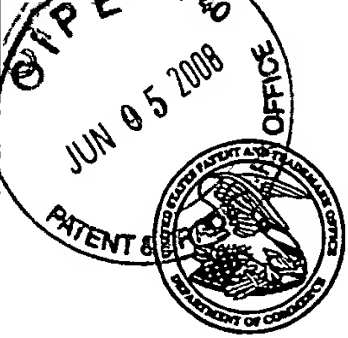
For the reasons stated above, Petitioner respectfully requests that the Director act to ensure the expeditious prosecution of Application No. 09/735,697.

Respectfully submitted,



David F. Lee  
Reg. No. 60,474

Dated: June 4, 2008  
LARIVIERE, GRUBMAN & PAYNE, LLP  
Post Office Box 3140  
Monterey, CA 93942  
(831) 649-8800



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,697	12/12/2000	Noel Lee	P1230	6750
7590 11/27/2006				
LaRIVIERE, GRUBMAN & PAYNE, LLP P.O. BOX 3140 MONTEREY,, CA 93942				
EXAMINER DEBERADINIS, ROBERT L				
ART UNIT 2836		PAPER NUMBER		

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

EXHIBIT A



**Advisory Action**  
**After the Filing of an Appeal Brief**

Application No.

09/735,697

Examiner

Robert DeBeradinis

Applicant(s)

LEE, NOEL

Art Unit

2836

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 28 August 2006 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.  
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☐ Other: \_\_\_\_\_

EXHIBIT A

**DETAILED ACTION**

The reply brief filed 8/28/06 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

The request for oral hearing has been noted.

Any inquiry concerning this communication should be directed to Robert L. DeBeradinis whose number is (571) 272-2049. The Examiner can normally be reached Monday-Friday from 8:30 am to 5:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Brian Sircus, can be reached on (571) 272-2058. The Fax phone number for this Group is (571) 272-8300.

RLD

NOVEMBER 14, 2006

A handwritten signature in black ink, appearing to read "Robert L. DeBeradinis", is written over the typed name.

**ROBERT L. DEBERADINIS  
PRIMARY EXAMINER**

EXHIBIT A



09/735,697

Apparatus and method for powering multiple peripheral devices from a color-coded central power source

06-02-2008::14:00:18

**Transaction History**

<b>Date</b>	<b>Transaction Description</b>
03-06-2008	Appeal Awaiting BPAI Docketing
11-27-2006	Mail Reply Brief Noted by Examiner
11-22-2006	Reply Brief Noted by Examiner
08-28-2006	Request for Oral Hearing
09-14-2006	Date Forwarded to Examiner
08-28-2006	Reply Brief Filed
06-27-2006	Mail Examiner's Answer
06-26-2006	Examiner's Answer to Appeal Brief
04-27-2006	Miscellaneous Incoming Letter
03-13-2006	Date Forwarded to Examiner
03-09-2006	Appeal Brief Filed
10-17-2005	Notice of Appeal Filed
10-17-2005	Request for Extension of Time - Granted
06-14-2005	Mail Final Rejection (PTOL - 326)
06-10-2005	Final Rejection
03-14-2005	New or Additional Drawing Filed
03-14-2005	Substitute Specification Filed
03-24-2005	Date Forwarded to Examiner
03-14-2005	Response after Non-Final Action
01-25-2005	Mail Non-Final Rejection
01-25-2005	Non-Final Rejection
11-15-2004	Date Forwarded to Examiner
11-12-2004	Response after Non-Final Action
11-15-2004	Correspondence Address Change
10-28-2004	Mail Notice of Informal or Non-Responsive Amendment
10-28-2004	Date Forwarded to Examiner
09-22-2004	Supplemental Response
09-22-2004	Workflow incoming amendment IFW
07-13-2004	Case Docketed to Examiner in GAU
05-15-2004	IFW TSS Processing by Tech Center Complete
05-15-2004	Date Forwarded to Examiner
03-26-2004	Informal or Non-Responsive Amendment after Examiner Action
03-26-2004	Response after Non-Final Action
03-26-2004	Request for Extension of Time - Granted
05-12-2004	Mail Examiner Interview Summary (PTOL - 413)
05-10-2004	Examiner Interview Summary Record (PTOL - 413)
03-26-2004	Workflow incoming amendment IFW
12-14-2003	Case Docketed to Examiner in GAU
11-28-2003	Mail Non-Final Rejection
11-26-2003	Non-Final Rejection
06-04-2003	Date Forwarded to Examiner
05-13-2003	Appeal Brief Filed

12-11-2001	Notice of Appeal Filed
06-04-2003	Date Forwarded to Examiner
03-13-2003	Amendment after Final Rejection
08-16-2002	Examiner Interview Summary Record (PTOL - 413)
08-06-2002	Examiner Interview Summary Record (PTOL - 413)
04-09-2003	Examiner Interview Summary Record (PTOL - 413)
02-13-2003	Mail Notice of Restarted Response Period
02-13-2003	Letter Restarting Period for Response (i.e. Letter re: References)
01-16-2003	Mail Final Rejection (PTOL - 326)
01-13-2003	Final Rejection
05-22-2002	Examiner Interview Summary Record (PTOL - 413)
11-22-2002	Date Forwarded to Examiner
09-05-2002	Response after Non-Final Action
09-05-2002	Request for Extension of Time - Granted
05-06-2002	Mail Non-Final Rejection
05-03-2002	Non-Final Rejection
02-16-2002	Date Forwarded to Examiner
02-08-2002	Appeal Brief Filed
12-11-2001	Notice of Appeal Filed
11-05-2001	Mail Final Rejection (PTOL - 326)
11-02-2001	Final Rejection
10-16-2001	Date Forwarded to Examiner
10-05-2001	Amendment after Final Rejection
08-28-2001	Mail Final Rejection (PTOL - 326)
08-27-2001	Final Rejection
07-03-2001	Date Forwarded to Examiner
06-26-2001	Response after Non-Final Action
03-27-2001	Mail Non-Final Rejection
03-26-2001	Non-Final Rejection
12-12-2000	Preliminary Amendment
03-09-2001	Case Docketed to Examiner in GAU
03-01-2001	Application Dispatched from OIPE
02-26-2001	Correspondence Address Change
01-02-2001	IFW Scan & PACR Auto Security Review
12-12-2000	Initial Exam Team nn

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EXHIBIT B